

Union Calendar No. 572

110TH CONGRESS
2D SESSION

H. R. 6849

[Report No. 110–881]

To amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2008

Mr. ETHERIDGE (for himself and Mr. MORAN of Kansas) introduced the following bill; which was referred to the Committee on Agriculture

SEPTEMBER 24, 2008

Additional sponsors: Mr. HOLDEN, Mr. HAYES, Mr. SHULER, Mr. BISHOP of Georgia, Mrs. GILLIBRAND, Mr. MCINTYRE, Mr. BUTTERFIELD, Mr. CHILDERS, Mr. JOHNSON of Illinois, Mr. WALZ of Minnesota, Mr. MAHONEY of Florida, Mr. BOSWELL, Mrs. BOYDA of Kansas, Mr. KUHLMAN of New York, Mr. KAGEN, Mr. BARROW, Mr. SKELTON, Mr. LOEBSACK, Mr. GOODLATTE, Mr. SHIMKUS, Mr. PETERSON of Minnesota, Mr. LATT, Mr. WHITFIELD of Kentucky, Mr. LINCOLN DAVIS of Tennessee, Mr. SPACE, Mr. PRICE of North Carolina, Mr. MCHENRY, Mr. ROGERS of Alabama, Mr. ELLSWORTH, Mr. TERRY, Mr. LUCAS, Mrs. MILLER of Michigan, Mr. LAHOOD, Mrs. MYRICK, Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. SCOTT of Georgia, Mr. COURTNEY, Mr. DAVIS of Kentucky, Mr. ROSS, Mr. BOUSTANY, Mr. CUELLAR, Mr. HARE, Mr. EVERETT, Mr. CHANDLER, Mr. DONNELLY, Mr. SPRATT, Mr. WALBERG, Mr. CRAMER, Mr. TIAHRT, Mr. BRALEY of Iowa, Mr. ARCURI, Mr. GRAVES, Mr. ADERHOLT, Mr. POMEROY, Mr. CARNAHAN, Mr. HILL, Mr. SOUDER, Mr. HALL of New York, and Mr. LEWIS of Kentucky

SEPTEMBER 24, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AGGREGATION OF BASE ACRES AND RECON-**
 4 **STITUTION OF FARMS TO ENSURE ELIGI-**
 5 **BILITY FOR DIRECT PAYMENTS, COUNTER-**
 6 **CYCLICAL PAYMENTS, OR AVERAGE CROP**
 7 **REVENUE ELECTION PAYMENTS.**

8 Section 1101(d) of the Food, Conservation, and En-
 9 ergy Act of 2008 (7 U.S.C. 8711(d)) is amended—

10 (1) by striking paragraph (2);

11 (2) by redesignating paragraph (3) as para-
 12 graph (4); and

13 (3) by inserting after paragraph (1) the fol-
 14 lowing new paragraphs:

15 “(2) EXCEPTIONS.—Paragraph (1) shall not
 16 apply—

1 “(A) to a farm owned by a socially dis-
 2 advantaged farmer or rancher (as defined in
 3 section 355(e) of the Consolidated Farm and
 4 Rural Development Act (7 U.S.C. 2003(e)));

5 “(B) to a farm owned by a limited re-
 6 source farmer or rancher, as defined by the
 7 Secretary; or

8 “(C) when the aggregate total base acres
 9 of all farms of a producer are greater than 10
 10 acres, including farms—

11 “(i) owned by a producer; and

12 “(ii) operated by a producer with the
 13 concurrence of the owners of the farm, in-
 14 cluding farms operated under a crop-share
 15 lease arrangement.

16 “(3) RECONSTITUTIONS.—In addition to other
 17 actions the Secretary determines appropriate, the
 18 Secretary shall permit a producer to reconstitute any
 19 farms of the producer covered under paragraph
 20 (2)(C) to exceed the 10 base acre minimum de-
 21 scribed in paragraph (1) through consolidation of
 22 the base acreage of the farms.”.

1 **SECTION 1. TEMPORARY SUSPENSION OF CERTAIN LIMITA-**
2 **TIONS ON ELIGIBILITY OF PRODUCERS FOR**
3 **DIRECT PAYMENTS, COUNTER-CYCLICAL PAY-**
4 **MENTS, OR AVERAGE CROP REVENUE ELEC-**
5 **TION PAYMENTS.**

6 (a) *SPECIAL RULE FOR 2008 AND 2009 CROP*
7 *YEARS.*—Section 1101(d) of the Food, Conservation, and
8 *Energy Act of 2008 (7 U.S.C. 8711(d)) is amended by add-*
9 *ing at the end the following new paragraph:*

10 “(4) *SUSPENSION.*—Paragraphs (1), (2), and (3)
11 *shall not apply during the 2008 and 2009 crop*
12 *years.”.*

13 (b) *OFFSETTING REDUCTION.*—Section 515(k)(1) of
14 *the Federal Crop Insurance Act (7 U.S.C. 1515(k)(1)) is*
15 *amended by striking “not more than \$15,000,000 for each*
16 *of fiscal years 2008 through 2011” and inserting “not more*
17 *than \$15,000,000 for fiscal year 2008, not more than*
18 *\$9,000,000 for fiscal year 2009, and not more than*
19 *\$8,000,000 for each of fiscal years 2010 and 2011”.*

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